

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: GERBER PRODUCTS COMPANY
HEAVY METALS BABY FOOD
LITIGATION

Master File No. 1:21-cv-00269 (MSN/JFA)

This Document Relates to ALL Cases

**GERBER PRODUCTS COMPANY’S MOTION TO DISMISS PLAINTIFFS’
REPRESENTATIVE CLASS ACTION COMPLAINT**

COMES NOW Defendant Gerber Products Company (“Gerber”), pursuant to Federal Rules of Civil Procedure 8(a), 12(b)(6), and 9(b), and moves this Court to dismiss Plaintiffs’ Representative Class Action Complaint in its entirety on the grounds that Plaintiffs fail to state a claim upon which relief can be granted and fail to plead their fraud-based claims with sufficient particularity. A memorandum of facts and law supporting this motion is filed herewith, along with a proposed order.

WHEREFORE, for the reasons stated in the Memorandum in support of this motion submitted herewith, its supporting declarations, for reasons to be stated in oral argument, and any other cause deemed appropriate by this Court, Gerber respectfully requests that its Motion to Dismiss Plaintiffs’ Representative Class Action Complaint be granted.

Dated: July 8, 2022

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CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2022, I caused a copy of the foregoing **MOTION TO DISMISS and PROPOSED ORDER** to be filed electronically with the Clerk of the Court via the Court's ECF system, which will send notification of such filing to all counsel of record.

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